IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 5655 of 2005

Between:

Mamidi Rajamma, W/o M. China Yanadi Reddy,
R/o Jonnavada Revu, Kondlapudi Village, Nellore Mandal, Nellore District.

... PETITIONER

AND

1 The District Collector, Nellore District.
2 The Revenue Divisional Officer, Nellore, Nellore District.
3 The Mandal Revenue Officer, Nellore Mandal, Nellore District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus, declaring the inaction of the respondents in not considering the representation dt. 24-1-2005 made by the petitioner for assignment of an extent of Ac. 0.80 cents of land in Sy.No. 22-ID, Kondlapudi village, Nellore Mandal and District and in not assigning the said land to the petitioner as illegal and arbitrary and consequentially direct the respondents to act upon the representation dt. 24-1-2005 made by the petitioner and assign the said land to the petitioner and further direct that the petitioner shall not be dispossessed from the land pending consideration of her case for assignment.

Counsel for the Petitioner: MR.P.ROY REDDY

Counsel for the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following:

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.5655 OF 2005

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ORDER :

This writ petition is filed seeking Mandamus declaring the action of the respondents in not considering the representation dated 24-01-2005 made by the petitioner for assignment to an extent of Ac.0-80 cents of land in Sy.No.22-1D, Kondlapudi village, Nellore Mandal as arbitrary and illegal.

The petitioner claims to be a displaced person under the Somasila Project. Having migrated to Nellore District, she took an extent of Ac.0-80 cents of land situated in Sy.No.22-1D of Kondlapudi village on lease from one Patra Karriah and has been eking out her livelihood by cultivating the same. While so, the second respondent – Revenue Divisional Officer initiated proceedings in respect of the land in occupation of the petitioner as well as other surrounding lands alleging that the said lands which were allotted to Co-operative Joint Farming Society (CJFS) have been illegally transferred in violation of the conditions of grant. The husband of the petitioner and others were shown as unauthorised occupants of the land in question. Ultimately, by order dated 28-08-2004, the second respondent ordered resumption of the land in question to the Government. The said order has become final. However, the petitioner states that since she has been continuing in possession of the land in question, she made a representation dated 24-01-2005 requesting the respondents to assign the said land in her favour. It is claimed that the petitioner

being a landless poor, she is entitled for assignment of five acres of dry land or two acres of wet land as a rehabilitation measure in terms of G.O.Ms.No.58, Irrigation (Project Wing) Department, dated 19-03-1980 which provides for assignment of land to the persons displaced under the Somasila Project since no exgratia cash grant was given to her. However, the respondents failed to consider the said request so far. The only grievance of the petitioner is that while the said representation is pending before the respondents, step are being taken to dispossess her high-handedly. Hence, this writ petition.

Having heard the learned Counsel for the petitioner and the learned Government Pleader for Revenue appearing for the respondents and keeping in view the representation made by the petitioner for assignment of the land in question is pending before the respondents, I deem it appropriate to dispose of the writ petition with a direction to the respondents to consider the representation of the petitioner dated 24-01-2005 in terms of G.O.Ms.No.58, Irrigation (Project wing) Department, dated 19-03-1980 and pass appropriate orders in accordance with law as expeditiously as possible preferably within a period of four weeks from the date of receipt of this order. Till such time, the respondents are directed not to dispossess the petitioner from the land in question.

The Writ Petition is accordingly disposed of. No costs.

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18th March, 2005.

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ASSISTANT REGISTRAR

To

1 The District Collector, Nellore District.
2 The Revenue Divisional Officer, Nellore, Nellore District.
3 The Mandal Revenue Officer, Nellore Mandal, Nellore District.

4 Two C.Cs. to the G.P. for Revenue, High Court Buildings, Hyderabad. (OUT).

5 Two C.D. copies.